

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

KENNETH HATLEN,

Plaintiff,

vs.

LT. FELLEPS,

Defendant.

Case No. 2:11-cv-01117-KJD-CWH

**ORDER**

Plaintiff has filed a motion to amend his Civil Rights Complaint Pursuant to 42 U.S.C. § 1983 (ECF No.8) and a motion to subpoena records (ECF No. 9). However, the Court notes that plaintiff's request for leave to amend is attached to what appears to be an addendum to the complaint, adding additional factual allegations and defendants.

Plaintiff is informed that an amended complaint supercedes the original complaint and therefore must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co.*, 896 F.2d 1542, 1546 (9<sup>th</sup> Cir. 1990). "All causes of action alleged in an original complaint which are not alleged in an amended complaint are waived." *King v. Atiyeh*, 814 F.2d 565, 567 (9<sup>th</sup> Cir. 1987) (citation omitted). As a result, the amended complaint must contain all claims, defendants, and factual allegations that plaintiff wishes to pursue in this lawsuit. Therefore, the motion to amend will be granted, but the motion and any attachments thereto are not construed as amended pleadings. In filing an amended complaint, plaintiff may not simply file an addendum-styled document that includes additional allegations and names additional defendants, but rather, the amended complaint

1 must contain all claims, defendants, and factual allegations that plaintiff wishes to pursue in this  
2 lawsuit.

3 As for the motion to subpoena documents, only after the complaint has been screened  
4 by the Court pursuant to 28 U.S.C. § 1915A and is served on defendants will the discovery process  
5 commence. At that time, plaintiff will be permitted to direct his discovery requests to counsel for  
6 the defendants. The present motion to subpoena documents is premature and will be denied on that  
7 basis.

8 **IT IS THEREFORE ORDERED** that plaintiff's motion to amend complaint (ECF  
9 No. 8) is **GRANTED**. The Clerk shall send to plaintiff a civil rights complaint form and  
10 instructions. Plaintiff shall have thirty days from entry of this order to submit his amended  
11 complaint. It should be entitled "First Amended" complaint and must include the case number  
12 assigned to this file. If plaintiff does not timely submit the amended complaint, the original  
13 complaint shall be screened by the Court.

14 **IT IS FURTHER ORDERED** the motion to subpoena documents (ECF No. 9) is  
15 **DENIED**.

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17 DATED this 7th day of September, 2011.

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22 UNITED STATES MAGISTRATE JUDGE  
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